

ESTTA Tracking number: **ESTTA29798**

Filing date: **04/05/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### **Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

#### **Opposer Information**

<b>Name</b>	QVC, INC.
<b>Granted to Date of previous extension</b>	04/06/2005
<b>Address</b>	Studio Park West Chester, PA 19380 UNITED STATES

<b>Attorney information</b>	MANNY D. POKOTILOW CAESAR, RIVISE, BERNSTEIN, COHEN, ET.AL. 1635 MARKET STREET11th Floor - 7 Penn Center PHILADELPHIA, PA 19103-2212 UNITED STATES TRADEMARKS@CRBCP.COM Phone:215-567-2010
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#### **Applicant Information**

<b>Application No</b>	76426282	<b>Publication date</b>	12/07/2004
<b>Opposition Filing Date</b>	04/05/2005	<b>Opposition Period Ends</b>	04/06/2005
<b>Applicant</b>	AtHome America, Inc. 5625 West 115th Street Alsip, IL 60803		

UNITED STATES
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**Goods/Services Affected by Opposition**

Class 016. First Use: 20020214First Use In Commerce: 20020214

All goods and services in the class are opposed, namely: periodically printed publications, namely a magazine and catalog featuring articles and information on general subject matter, general merchandise and general consumer goods

Class 035. First Use: 20020214First Use In Commerce: 20020214

All goods and services in the class are opposed, namely: Business advice and consultation in the field of direct sales of general merchandise and general consumer goods; retail store, mail order catalog, shop at home parties, on-line retail and mail order services, but not home shopping services by means of television, featuring general merchandise and general consumer goods, namely, antiques, aroma/scent products, bakeware, baking/cooking utensils, baskets and basketware, bathroom accessories, bedding, bowls, candles, ceramics, Christmas ornaments, clocks, coat and hat racks, collectables, cookware, crafts, cups, doormats, framed prints, furniture, gardening accessories, gifts, housewares, kitchenware, lamps, napkins, luggage, oil lamps, picnic accessories, picture frames, placemats, plates, potholders, potpourri, rugs, saucers, serving trays, storage containers, tablecloths, tables, tableware, towels, vases, wall hangings, wine racks, wooden plaques, and wooden shelves

**Attachments**

Q100140236Grounds for Opposing.pdf ( 2 pages )

**Signature**

/mdp/

**Name**

MANNY D. POKOTILOW

**Date**

04/05/2005

The grounds for the opposition are as follows :

1. Opposer is the owner of United States Certificate of Registration No. 2,170,951 for the mark REAL STYLE REAL LIFE for home shopping services in the field of clothing by means of television, in International Class 35.

2. On August 11, 2004, Opposer's Section 8 and Section 15 were accepted and acknowledged.

3. Opposer is the owner of United States Certificate of Registration No. 2,095,048 for the mark REAL STYLE FOR REAL LIFE for home shopping services in the field of clothing by means of television, in International Class 35.

4. On October 9, 2003, Opposer's Section 8 and Section 15 were accepted and acknowledged.

5. Confusion is likely to result between the use by Opposer of its incontestible marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE in connection with home shopping services in the field of clothing by means of television and AtHome America, Inc.'s use of the mark REAL LIFE WITH STYLE filed on June 28, 2002 for periodically printed publications, namely a magazine and catalog featuring articles and information on general subject matter, general merchandise and general consumer goods, in International Class 16 and business advice and consultation in the field of direct sales of general merchandise and general consumer goods; retail store, mail order catalog, shop at home parties, online retail and mail order services, but not home shopping services by means of television featuring general merchandise and general consumer goods, namely, antiques, aroma/scent products, bakeware, baking/cooking utensils, baskets and basketware, bathroom accessories, bedding, bowls, candles, ceramics, Christmas ornaments, clocks, coat and hat racks, collectibles, cookware, crafts, cups, doormats, framed prints, furniture, gardening accessories, gifts, housewares, kitchenware, lamps, napkins, luggage, oil

lamps, picnic accessories, picture frames, placemats, plates, potholders, potpourri, rugs, saucers, serving trays, storage containers, tablecloths, tables, tableware, towels, vases, wall hangings, wine racks, wooden plaques and wooden shelves.

6. Opposer's marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE create substantially the same commercial impression and are likely to be confused with Applicant's Mark REAL LIFE WITH STYLE and will result in a likelihood of confusion which will damage the Opposer.

7. In view of the substantial similarity between Opposer's marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE and Applicant's Mark REAL LIFE WITH STYLE, covered by Application Serial No. 76/426,282, continuous use and registration by the Applicant of its mark is likely to deceive the public into believing that Applicant's goods and services are those of Opposer, which in turn will cause great damage to the Opposer.

WHEREFORE, Opposer believes that it will be damaged by the registration sought by Applicant in Application Serial No. 76/426,282 and therefore prays that this opposition be sustained.